



07-CV-05591-CMP

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AT SEATTLE  
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WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY WHITE and GINA WHITE, a  
marital couple,

Plaintiffs,

v.

ANTHONY L. ST. JULIEN and CATHY A.  
ST. JULIEN, a marital couple,

Defendant.

NO.

**C 07-5591 BHS**

**COMPLAINT FOR DAMAGES**

**JURY TRIAL REQUESTED**

**ORIGINAL**

COMES NOW Plaintiffs by and through their attorneys John R. Connelly Jr. and  
Lincoln C. Beauregard of the Connelly Law Offices by way of claim allege and state:

**I. PARTIES AND JURISDICTION**

1.1 Plaintiffs, Timothy White and Gina White, are a married couple currently  
residing at 829 Byham Dr. Winlock, WA 98596.

1.2 Defendant Anthony L. St. Julien is an individual and was, at all relevant times  
hereto, acting the capacity as the Superintendent within the scope of employment for  
NORTHWEST METAL & FAB INC. (hereinafter "Northwest") located at 4500 SW Advance  
Rd., Wilsonville, Oregon 97070.

COMPLAINT FOR DAMAGES - 1 of 6

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1  
2 1.3 Cathy A. St. Julien is the wife of Anthony L. St. Julien and they reside together  
3 at 635 Pallisades Ct., Lake Oswego, OR 97034.

4 1.4 Jurisdiction is proper based upon diversity jurisdiction and in that the plaintiffs  
5 are claiming damages well in excess of the statutory minimums.  
6

## 7 II. BACKGROUND

8 2.1 On May 25, 2006, by and through supervision and management, Northwest  
9 hosted a *"kick off some steam"* company party for purposes of building and encouraging  
10 employee morale and cohesion.

11 2.2 When speaking to police investigators about the events of the day,  
12 Superintendent St. Julien characterized the occurrence as a *"company party"* and that he *"had*  
13 *a bunch of crew come in and have a barbeque"* at a KOA campsite.  
14

15 2.3 Superintendent St. Julien was acting within the scope of employment for  
16 Northwest in relation to the facts and circumstances giving rise to this lawsuit.

17 2.4 Superintendent St. Julien is insured for acts and omissions committed while  
18 acting within the scope of employment for Northwest.

19 2.5 Superintendent St. Julien supplied food and drinks during the *"company party"*  
20 at no expense to the employees.  
21

22 2.6 Earlier in the same day, Andrew Hoover, an individual working under the  
23 supervision of Superintendent St. Julien, had brought an explosive device to the workplace  
24 which was made known at the time to other employees, supervisors, and managers.

25 2.7 Another employee, Robert Crouch, reported to the police investigators on May  
26 26, 2006 that *"Andy had been showing people the device all week."*

1  
2 2.8 Mr. and Mrs. White were invited to the “*company party*” in order to solidify an  
3 understanding that Mr. White would be returning to work for Northwest in the near future.

4 2.9 Mr. White arrived at the “*company party*” sometime fairly shortly prior to  
5 another employee, Mr. Hoover.  
6

7 2.10 Mr. Hoover arrived at the “*company party*” at approximately 8:00 p.m.

8 2.11 According to Mr. Hoover, he “*went in and checked in with [his] boss Tony to*  
9 *see if [he] could go home for the night and it was like uh well ‘hey you got something in your*  
10 *truck that, that, goes ‘boom’?*”

11 2.12 Mr. Hoover was asked this “*so they can kind of celebrate and kick off steam*  
12 *and whatnot so [he] got something [from] the driver’s side of my upper toolbox...*”  
13

14 2.13 On September 25, 2007, Mr. Hoover again confirmed that the conversation  
15 regarding “*something in your truck that, that, goes ‘boom’*” occurred between himself and  
16 Superintendent St. Julien.

17 2.14 As a result of the injuries suffered by Mr. White, initially and after suffering  
18 from a coma, he could not recall the conversation between Superintendent St. Julien and Mr.  
19 Hoover.  
20

21 2.15 Now, with time to heal emotionally and psychologically from the physical  
22 injuries and coma, Mr. White specifically recalls Superintendent St. Julien inquiry regarding  
23 “*something in your truck that, that, goes ‘boom’*” towards Mr. Hoover.

24 2.16 Mr. Hoover retrieved the explosive device from his company truck and  
25 explained that “*you light this thing and you get rid of it*” when another employee, James  
26 Harrison, ended up with the explosive device.

1  
2 2.17 Michael Powers, the foreman employed by Northwest, was fully aware that  
3 Mr. Hoover had retrieved that explosive device from his company truck, and, in relation to  
4 igniting the explosive device and throwing it "*across the canal*" after it was lit, he explained  
5 that "*you guys can't do that because there is three pipelines out there...*"  
6

7 2.18 Mr. Crouch, an employee, explained to the police investigators that Mr.  
8 Harrison "*was lighting the fuse, and [he] went and ran about 2-pickup lengths behind a truck,*  
9 *and [he] grabbed another with [him] and [Mr. Harrison] was holding it up in the air, saying*  
10 *'it lit, it lit', and [he] was watching the fuse. From [his] experience, it was about a six second*  
11 *fuse, and it started smokin', he thought it went out, and it'd actually gone down in the brass*  
12 *tube to where you couldn't see the cherry anymore.*"  
13

14 2.19 Mr. White was in direct proximity to Mr. Harrison and the explosive device,  
15 realized that Mr. Harrison was in danger, and slapped the explosive device from Mr.  
16 Harrison's hand.

17 2.20 The explosive device detonated and both Mr. Harrison and Mr. White were  
18 seriously injured to include the partial loss of limbs and Mr. White's vision and eye on the left  
19 side.  
20

21 2.21 Mr. White probably saved the life of Mr. Harrison and others.

22 2.22 Mr. White has been unable to maintain employment ever since the explosion  
23 and the entire White family has suffered extreme emotional distress.  
24  
25  
26

1  
2 **III. CAUSES OF ACTION**

3 3.1 **NEGLIGENCE:** Superintendent St. Julien, and any and all agents/employees  
4 including Michael Powers, Andrew Hoover, and James Harrison, acted unreasonably and in  
5 such a way that was the direct and proximate cause of the White family's injuries.

6 3.2 **STRICT LIABILITY:** Superintendent St. Julien, individually, and by and  
7 through any and all agents, including Michael Powers, Andrew Hoover, and James Harrison,  
8 engaged in the abnormally dangerous activity of detonating an explosive device in order to  
9 perpetuate the "*celebration*" at the "*company party*" which is an abnormally dangerous  
10 activity.  
11

12 3.3 **RESPONDEAT SUPERIOR:** At all relevant times hereto, Superintendent St.  
13 Julien was acting as principle/employer and liable for the actions of any and all  
14 agents/employees including Michael Powers, Andrew Hoover, and James Harrison while each  
15 was acting within the scope of agency/employment. Additionally, Michael Powers was also  
16 acting in a supervisory capacity over the agents/employees of Northwest including Andrew  
17 Hoover and James Harrison.  
18

19 **IV. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs, having set forth their cause of action herein against  
21 Defendants, prays for judgment against Defendants, for general and special damages in  
22 amounts as shall be proven at trial, and for reasonable attorneys fees in accordance with law,  
23 and otherwise, for Plaintiffs' costs and disbursements herein incurred, and for such other and  
24 further relief as the Court may deem just and equitable under the circumstances.  
25  
26

V. DEMAND FOR JURY TRIAL

Plaintiff herein demands a trial by jury of the claims brought herein.

Dated this 23 day of October, 2007.

CONNELLY LAW OFFICES

By

John R. Connelly, Jr., WSBA No. 12183  
Lincoln C. Beauregard, WSBA No. 32878  
Attorney for Plaintiffs